DOCUMENT RESUME

ED 229 190 RC 014 000

TITLE	Guidelines for Identifying Child Abuse & Neglect in Institutions.
INSTITUTION	National Indian Child Abuse and Neglect Resource Center, Tulsa, OK.
SPONS AGENCY	National Center on Child Abuse and Neglect (DHEW/OHD), Washington, D.C.
PUB DATE	80
GRANT	90-C-1744(02)
NOTE	7p.; For related documents, see RC 014 001-005. Best copy available.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*American Indians; *Child Abuse; *Child Neglect; Child Welfare; Community Responsibility; Community Role; *Foster Care; Government Role; *Prevention; Residential Care; *Residential Institutions; Sexual Harassment
IDENTIFIERS	Indian Child Welfare Act 1978; *Tribal Government

ABSTRACT

In 1978 the Indian Child Welfare Act was passed which implemented new regulations regarding the removal of Indian children from their parents and their placement in residential and foster care or adoptive families or institutions. The 7-page information sheet provides guidelines in prevention of institutional child abuse and neglect of American Indian children. Five ways of assuring that Indian children do not continue to be victims of institutional abuse are offered: seeking sources of funding to develop programs and services to Indian families; tribal courts and children's codes reflecting handling child custody cases; communities recruiting and training Indian foster and adoptive families; boarding schools and residential institutions being closely monitored by parents and Indian leaders; and adequate follow-up and evaluation being done of foster and adoptive families. Examples of physical abuse, neglect, sexual abuse, and emotional abuse and neglect are provided to serve as a guide as to what types of cases should be reported. (ERB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
National Ind. Child Abuse/Neglect Resource Ctr of NACT
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☑ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

SEP 1982
RECEIVED
ERIC/CRESS

ED229190

Rc 014000

GUIDELINES FOR IDENTIFYING CHILD ABUSE & NEGLECT IN INSTITUTIONS

Spring 1980

BEST COPY AVAILABLE

This paper was made possible by Grant No. 90-C-1744(02) from the National Center on Child Abuse and Neglect, Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. Its contents should not be construed as official policy of the National Center on Child Abuse and Neglect or any agency of the Federal Government. It was developed and is distributed by the National Indian Child Abuse and Neglect Resource Center, 6539 E. 31st St., Tulsa, OK 74145, and may be reproduced freely by xerox.

Twelve times as many Indian children have been institutionalized as Anglo children. 25 times as many Indian children are placed in foster or adoptive homes (one out of four Indian children)! (AAIA 1977). This statistic alone is cause for concern regarding institutional child abuse and neglect. Over half a million children live in residential institutions of one kind or another--treatment centers, temporary and long-term shelters, detention homes, centers for the mentally retarded and developmentally disabled, and group homes. An additional half a million live in foster homes.

There are those who argue that the institutionalization of children is, of itself, maltreatment. However, until such time as there are viable alternatives, the fact must be accepted that the needs of some children require that they be placed in institutions of some kind. Nevertheless, it cannot be denied that there are children in institutions who do not belong there now, just as there are children whose needs are unmet because they are not in institutions.

The maltreatment of children in residential, caregiving institutions is a matter of grave concern to those interested in children's welfare. As a result of the P.L. 93-247 eligibility requirements, 42 states now make provision for the independent investigation and corrections of institutional child abuse and neglect. The issue of investigating and correcting maltreatment of children in residential institutions is addressed in the Federal Regulations which implemented the Child Abuse Prevention and Treatment Act (P.L. 93-247). That section of the regulations which details the conditions which States must satisfy in order to be eligible for a direct grant states, in part: " . . . The State must provide for the reporting of known or suspected instances of child abuse and neglect. This requirement shall be deemed satisfied if a State requires specified persons by law, and has a law or administrative procedures which requires, allows, or encourages all other citizens, to report known or suspected instances of child abuse and neglect to one

or more properly constituted authorities with the power and responsibility to perform an investigation and take necessary ameliorative and protective steps. . . . A properly constituted authority may include the police, the juvenile court or any agency thereof, or a legally mandated, public or private child protective agency; provided, however, that a properly constituted authority must be an agency other than the agency, institution, office or facility involved in the acts or omissions of a public or private agency or other institution or facility..."

In 1978 the Indian Child Welfare Act was passed which implemented new regulations regarding the removal of Indian children from their parents, and their placement in residential and foster care or adoptive families or institutions. So we have the legal beginnings of an end to the staggering statistics that have characterized Indian child abuse and neglect over the past few decades--statistics that show that Indian children have been the victims of the worst possible abuse at all levels of their lives.

Some of the ways that we can assure that Indian children do not continue to be victims of these kinds of abuse include the following:

(1) Tribes and Indian agencies and organizations should seek every possible source of funding in order to develop programs and services to Indian families.

(2) Tribal courts and children's codes should reflect the concern for and the ability of tribes to handle Indian child custody cases.

(3) Indian communities should launch widescale recruitment and training of Indian foster and adoptive families.

(4) Boarding schools and other residential institutions with Indian children should be closely monitored at all times by parents and other Indian leaders in the community.

(5) Adequate follow-up and evaluation should be done of foster and adoptive families to assure that continued services are provided for the child's welfare.

Such overwhelming numbers of Indian children have been placed in foster and adoptive families that are not Indian, that it is important to mention some concerns relating to this special issue. History has shown that "super-religious" foster and adoptive families often tend to be more abusive of children in their care. We must work to get rid of the tendency of social agencies to view "super-religious" people as especially fit for parenting. In addition to the strict authoritarian kinds of discipline usually practiced by such families, there is an almost total unwillingness to allow the Indian foster or adoptive children to retain their own religion, culture, language, family ties, tribal connections, or identity. This has proved to be not only very destructive of the Indian child's self-concept, but of Indian tribes and communities as a whole.

Following are some examples of more specific kinds of physical abuse and/or neglect that may occur in institutions, and will serve as a guide as to what types of cases must be reported.

PHYSICAL ABUSE

Physical abuse occurs when a parent or parent substitute inflicts or allows to be inflicted upon a child, any bodily injury which may include one or more of the following:

Marks and/or Welts and Bruises
Examples:
1) a staff member may hit a child with a hand, belt, or other object or push, trip, choke or throw a child.
2) a staff member may sit on a child or inappropriately restrain or inappropriately apply restraints (such as camisole or leg and arm restraints) to a child which may result in bruises, welts, or other injuries. This may also be emotional abuse.
3) a staff member may tie a child to a chair or bed with rope or tape, resulting in physical injury.

Cuts, Punctures, Scratches
Examples:
1) a staff member may purposely scratch a child with his/her fingernails
2) a staff member may jab a child with a sharp instrument

Broken Bones and Skull Fractures
Examples:
1) a staff member may pull a child out of bed, or hit a child's head against a wall which may result in a broken bone or skull fracture.
2) a staff member may hit a child with a bat or other hard object which may break a child's bone or cause internal injuries

Burns
Examples: a staff member might place a child in a scalding hot tub of water or purposely burn a child with a cigarette, iron or grill or purposely place a child on an oven or grill or above a stone flame which may result in burns

Human Bite Marks
Examples: a staff member might bite a child to teach a child not to bite others

Internal Injuries
Examples: a staff member may purposely give a child alcohol or drugs, may shake or pummel the child so that there are no external signs of injury, but there is internal damage

Suspicious Scars (on the skin or bones which may indicate that the child is the victim of repeated or past abuses.

NEGLECT

A child is considered neglected when he or she is inadequately or improperly supervised or nurtured. This may occur when:

A. A child(ren) is (are) left alone without adult supervision appropriate for the child's age. This means that the child is unable to care for his or her basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

Example: 1) a group of aggressive adolescent boys are left alone by a child care worker who goes to talk to his wife on the phone and a child is injured by another child.
2) or a staff member leaves the assigned area and a child is sexually assaulted by another resident.

B. A child is left with an adult who is not able to respond to the child's needs and protect him/her from emotional or physical harm.

Example: 1) a child care worker falls asleep or is drunk on duty

C. A child is exposed to danger to life, health, mental or social adjustment by failing to provide food, clothing, shelter, education, medical or surgical care or supervision.

Example: 1) two residents are fighting and the staff member purposely fails to intervene to break it up.
2) a staff member fails to seek medical attention when a child is sick or injured.
3) when a staff member leaves a young or retarded child unsupervised while bathing and the child is scalded by hot water or drowns

D. Neglect may also exist but is not limited to such conditions as:

exposed heaters, gas fumes, faulty electrical wiring, no utilities, no sanitary facilities, broken windows broken stairs, vermin, cracked or peeling leaded paint, moldy food, human or animal excrement, urine soaked clothing, sheets and mattresses, overcrowded housing, no bedclothes, unguarded drugs or chemicals, no safety provisions for firearms and other weapons, no balanced meals (some combination daily of a protein source, e.g. meat, fish. poultry, vegetables, bread. fruit and cereal), food not available or not prepared for children unable to do it themselves, spoiled food, meals available only once a day or less, irregular school attendance, clothing inappropriate for the season, age, sex, or clothing that is ill-fitting, dirty or torn.

E. The results of neglect may be recognized in, though not limited to, such symptoms as:

malnutrition, dehydration, depression, drug addiction in a newborn, exposure, social retardation, deformity, death, failure to thrive, emotional disturbance, psychoses, untreated ongoing medical problem, infected skin lesions, untreated dental care, blindness, deafness, loss of hair, distended belly, withdrawal, aggression.

SEXUAL ABUSE

Sexual abuse is any sexual activity that a child is forced to engage in by another person or persons, from fondling to penetration.

Examples: when a staff member

1) offers loving parental gestures that are too lingering and seductive, continued into adolescence or become centered on the sex organs, anus or breasts

2) rapes a child or allows the child to be raped

3) inflicts injury or allows injury to be inflicted to the child's genitals, anus. breasts, mouth through such acts as coital and non-coital intercourse, insertion of foreign objects, manipulation, etc.

4) engages the child in sexual intercourse anal intercourse, fellatio, cunnilingus, etc.

5) manipulates child's genitals, buttocks, breasts (any kind of fondling, petting, or stimulation)

6) exposes his/her genitals to the child or allows a child to view another person's genitals for the purpose of stimulation or titillation or exhibitionism

7) forces or allows a child to engage in sexual activity with other children or adults

8) forces, encourages, or willfully and/or knowingly allows a child to engage in sexual activity with animals or other objects

9) forces, encourages or willfully and/or knowingly allows a child to engage in sexual activity with siblings or other family members

10) willfully and/or knowingly allows a child to engage in sexual activity which is not the appropriate act of a child or an adolescent

EMOTIONAL ABUSE AND NEGLECT

Emotional abuse and emotional neglect are more difficult to define, but often more damaging in the long run, and is always the result of any of the other forms of abuse or neglect. Often, however, emotional abuse and/or neglect may occur totally apart from physical abuse or neglect, or even sexual abuse. Emotional abuse is the worst form of abuse that has taken place with Indian children on the part of institutions and foster and adoptive families, and has to do with the lack of development of the child's self-concept, self-worth, and self-respect. Following are some examples of emotional abuse:

1) when a staff member chronically ridicules, criticizes threatens, ignores, has an obvious preference for one child over another

2) when a child is exposed to a severe authoritarian order and discipline by a staff member or foster parent

3) when there is a total LACK of any order or routine in the child's life and they are given no sense of security

4) when a staff member or foster/adoptive parent uses treatment or punishment which is cruel even if in itself is not physically harmful (such as tying up, locking in a closet, taping mouth, or locking out of house)

5) when a child is forced to engage in prostitution, hard labor beyond its abilities, narcotics, begging, or other activities in support or someone else

6) when extensive household tasks are required that do not allow the child any playtime, time to associate with peers. or be involved in school and other community activities

7) insults and verbal abuse, name-calling, slurs.